

12-0002  
FILED  
JAN 02 2013  
GRIEVANCE COMMISSION

BEFORE THE GRIEVANCE COMMISSION  
OF THE SUPREME COURT OF IOWA

IN THE MATTER OF

SUSAN L. HENSE,

Attorney at Law

)  
)  
)  
)  
)  
)  
)

Docket No. 772

AFFIDAVIT CONSENTING TO  
DISBARMENT, AND RESPONSE

FILED

JAN 02 2013

CLERK SUPREME COURT

1. Attached hereto as Exhibit A is the original of an affidavit consenting to disbarment which was sent to the Attorney Disciplinary Board by Susan Hense's attorney, Frank J. Nidey. (See Exhibit B).

2. The Board understands that Ms. Hense misappropriated approximately \$800,000 of client funds. The affidavit states (paragraph 4) that Hense expects to be prosecuted for theft in the first degree, which involves more than \$10,000 and is a class "C" felony. Iowa Code § 714.2(1). Thus, the Attorney Disciplinary Board states, pursuant to Court Rule 35.16(2), that it believes the misconduct admitted in the affidavit would probably result in revocation of Ms. Hense's license to practice law. See *Attorney Disciplinary Board v. Reilly*, 708 N.W.2d 82 (Iowa 2006).

WHEREFORE, the Attorney Disciplinary Board requests an order disbarring Hense on consent, as provided in Court Rule 35.16(3).

IOWA SUPREME COURT  
ATTORNEY DISCIPLINARY BOARD

By: David Grace

DAVID J. GRACE, AT0002960

Iowa Judicial Branch Building

1111 E. Court Avenue

Des Moines, Iowa 50319

Telephone: (515) 725-8017

Facsimile: (515) 725-8013

E-mail: david.grace@iowacourts.gov

ETHICS COUNSEL

**CERTIFICATE OF SERVICE**

I, Barbara E. Conkel, hereby certify on 2<sup>nd</sup> day of January, 2013, I served this document by mailing a copy thereof with sufficient postage affixed to: Frank J. Nidey, Attorney at Law, 425 2<sup>nd</sup> Street SE, Suite 1000, Cedar Rapids, IA 52401.

Barbara E. Conkel

Barbara E. Conkel

## IOWA RULE 35.16 DISBARMENT ON CONSENT

### AFFIDAVIT OF SUSAN L. HENSE

I, Susan L. Hense, being first duly sworn, do depose and state:

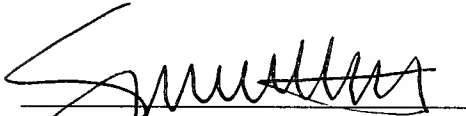
1. I am an Iowa lawyer, admitted to practice on September 9, 1996.
2. I submit this affidavit pursuant to Rule 35.16(1) for the purpose of consenting to disbarment.
3. My consent to disbarment is freely and voluntarily given with great remorse for the actions underlying it. In making this decision, I have not experienced any duress or coercion. At this time, I know of no pending investigation concerning my actions.
4. I consulted with my attorney before signing this affidavit. My consent to disbarment is hereby given with the full and certain knowledge that I will never practice law again and knowing that I will be charged with and prosecuted for theft in the first degree.
5. I am unaware of any pending investigation or proceeding but I admit that grounds exist for revocation of my license to practice law. The grounds include that I misappropriated funds from my client trust account and appropriated those funds to my own use. (Section 714.1(2) of the Code of Iowa.) The funds I removed from my client trust account were not earned by me, I was not entitled to them and I spent them.



6. If disciplinary proceedings were commenced against me, I could not and would not defend against them. I deeply regret, beyond my ability to describe, my theft of funds belonging to my clients. My conduct merits disbarment.
7. Because Rule 35.16(1)(f) requests any matters in mitigation, I state that I have a debilitating gambling addiction, that I have self-excluded myself from the casinos I frequented (as well as all casinos in Iowa, Wisconsin and Illinois), that I attend individual counseling at least weekly, and that I will shortly begin attending one-day-at-a-time meetings. I have not gambled since making initial contact with the SASC Addiction Treatment program October 6, 2012, and will do everything in my power to never gamble again. Although I am unaware of any additional actions which my physician or counselors may recommend to assist my recovery, I will make every effort to continue cooperating with any and all recommendations to aid in my recovery.
8. Although I am unaware of any alternative or additional sanctions the Iowa Supreme Court may take, I consent to them.
9. I will, this date, make a complete report to the Cedar Rapids Police Department, the Linn County Attorney's Office, and the Client Security Commission. I will fully cooperate to the best of my ability and take

responsibility with these and any other agencies to assist with the mitigation of any damages my actions have caused my clients.

10. The facts I admit above are true.



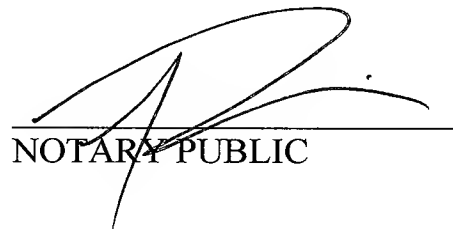
Susan L. Hense

ISBA#15315

125 Wilson Avenue SW

Cedar Rapids, Iowa 52404

Subscribed and sworn to before me on this 27 day of December 2012.



NOTARY PUBLIC

# NIDEY ERDAHL TINDAL & FISHER, PLLC

ATTORNEYS AT LAW

WWW.EIOWALAW.COM

FRANK J. NIDEY\*

CLEMENS A. ERDAHL

ERIC D. TINDAL

MARK D. FISHER\*

JOHN W. PILKINGTON

PATRICIA J. MEIER

Per

RECEIVED  
DEC 31 2012

RICHARD C. WENZEL (1945-2010)  
KENNETH R. MARTENS (1946-2010)

REPLY TO: CEDAR RAPIDS OFFICE  
AUTHOR'S E-MAIL: [FNIDEY@EIOWALAW.COM](mailto:FNIDEY@EIOWALAW.COM)  
AUTHOR'S EXT: 101  
\*MEDIATOR

December 27, 2012

Charles Harrington  
Attorney Discipline Board  
1111 E. Court Avenue  
Des Moines IA 50319

Dear Charles:

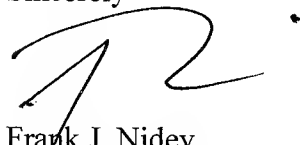
Thank you for speaking with me on the phone this morning.

Please find enclosed the original of Ms. Hense's Rule 35.16 Disbarment on Consent Affidavit.

Please do not hesitate to contact me should you need any additional information.

Thank you.

Sincerely



Frank J. Nidey  
Attorney at Law

Enclosure  
cc: Sue Hense

***Cedar Rapids Office***

425 2<sup>nd</sup> Street SE  
Suite 1000  
Cedar Rapids, Iowa 52401  
Phone: (319) 369-0000  
Fax: (319) 369-6972

***Williamsburg Office***

600 Court Street  
P.O. Box 656  
Williamsburg, Iowa 52361  
Phone: (319) 668-1323  
Fax: (319) 668-1706

***Marengo Office***

1017 Court Avenue  
Marengo, Iowa 52301  
Phone: (319) 642-3411  
Fax: (319) 642-3411

*In Association with:*

***Tindal Law Office***

305 West Main, Suite A,  
Washington, Iowa 52353  
Douglas L. Tindal  
Katie Mitchell  
Sara E. Strain Linder

EXHIBIT

B